

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

J.V. and M.Q. on behalf of
their minor child C.V.,

Plaintiffs,

v.

CIV 13-01204 GBW/KBM

ALBUQUERQUE PUBLIC SCHOOLS,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. This Court issued its Initial Scheduling Order (*Doc. 5*) on December 30, 2013 ordering that the parties “‘meet and confer’ no later than Monday, January 27, 2014, to formulate a provisional discovery plan” and that the parties “will cooperate in preparing a Joint Status Report and Provisional Discovery Plan (“JSR”)” which was due to this court on Monday, February 3, 2014. *Id.* In the submitted JSR, Defendant Albuquerque Public Schools’ (“APS”) states that “counsel for Defendant APS contacted counsel for Plaintiffs for a meet and confer session. Counsel for Plaintiffs did not respond to defense counsel’s request.” Thus, the JSR was completed and filed without input from Plaintiffs.

The Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of

prosecution. *E.g.*, *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642-43(1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *see also Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) ("dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.")

Based on Plaintiffs' failure to comply with the order of the Court, they will be required to show cause why Plaintiffs have failed to participate in the meet and confer process and why the Rule 16 conference should not be vacated.

Wherefore,

IT IS HEREBY ORDERED that no later than February 7, 2014 at 12:00 noon., Plaintiffs shall file with the Court a response to this order showing cause why Plaintiffs have failed to participate in the meet and confer process and why the Rule 16 conference should not be vacated. Plaintiffs are also hereby notified that failure to respond to this Order may result in the imposition of sanctions and potentially dismissal without further notice.


UNITED STATES CHIEF MAGISTRATE JUDGE